

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-GUERRA, MICHAEL MAERLENDER, BRANDON PIYEVSKY, BENJAMIN SHUMATE, BRITTANY TATIANA WEAVER, and CAMERON WILLIAMS, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE OF TECHNOLOGY, UNIVERSITY OF CHICAGO, THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK, CORNELL UNIVERSITY, TRUSTEES OF DARTMOUTH COLLEGE, DUKE UNIVERSITY, EMORY UNIVERSITY, GEORGETOWN UNIVERSITY, THE JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS INSTITUTE OF TECHNOLOGY, NORTHWESTERN UNIVERSITY, UNIVERSITY OF NOTRE DAME DU LAC, THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA, WILLIAM MARSH RICE UNIVERSITY, VANDERBILT UNIVERSITY, and YALE UNIVERSITY,

Defendants.

Civil Action No. 1:22-cv-00125

Hon. Matthew F. Kennelly

**DECLARATION OF DAVID GRINGER IN SUPPORT OF CERTAIN DEFENDANTS’
OPPOSITION TO PLAINTIFFS’ MOTION TO COMPEL**

I, David Gringer, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I have been admitted *pro hac vice* before this Court. I am an attorney at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP and am counsel for Defendant The Trustees of the University of Pennsylvania (“Penn”). I submit this Declaration on behalf of Cornell University, Trustees of Dartmouth College, Georgetown University, Northwestern University, University of Notre Dame du Lac, Penn, William Marsh Rice University, and Vanderbilt

University (collectively, “Defendants”), and in support of Defendants’ Opposition to Plaintiffs’ Motion to Compel. This Declaration is based on my personal knowledge and review of the attached Exhibits.

2. Between November 2022 and February 2023, Plaintiffs and Defendants negotiated and agreed upon search terms, at least 11 of which were intended to identify documents related to Defendants’ purported preferences for applicants related to donors. Defendants applied the agreed-upon search terms and produced all responsive documents. These search terms include:

- ((prospect* OR student* OR candidat* OR applican* OR admiss*) w/5 (wealth* OR affluen* OR income* OR asset* OR "zip code" OR donat* OR pledg* OR rich* OR endow*)) AND (President OR "Alumni Relation*" OR Development OR DAR)
- "University Development and Alumni Relations"
- ((dean* OR president*) w/3 list) OR "interest list" OR "z list" OR "priority list" OR "VIP applic*"
- ((prospect* OR student* OR candidat* OR applica* OR admiss* OR apply*) W/5 (decis* OR status OR recommend* OR referen* OR priorit* OR "special treatment" OR fast*track* OR prefer* OR favor*)) AND (Development* OR President* OR "finan* aid" OR Chancellor OR Advancement OR Alumni Affairs OR Alumni Relations)
- (prospect* OR student* OR candidat* OR applican* OR admiss* OR mother OR father OR family OR parent* OR grandfather OR grandmother OR aunt OR uncle OR sibling OR brother OR sister OR cousin OR partner*) w/5 ((endow* OR donat* OR develop* OR pledg* OR development case OR development adm* OR promis* OR commit* OR beque* OR assign* OR contrib* OR give OR grant* OR confer* OR bestow* OR writ* OR gift*) w/5 (large OR big OR substantial OR million* OR wealth* OR loaded OR money* OR "well*off" OR "well*to*do", well*heeled OR deep*pocket* OR prosper* OR mint* OR flush OR cash, fat*cat OR "warbucks" OR "sugar daddy" OR affluen* OR heir* OR magnate OR tycoon OR baron* OR inherit* OR pennybags OR mcduck, "rolling /3 dough" OR estate, bankroll* OR bank*roll OR check OR wire OR donor* OR billion* OR moneybags))
- (hook OR tag) w/15 (development OR donat* OR donor OR pledg* OR fundrais* OR finan* OR promis* OR commit* OR beque* OR assign* OR contrib* OR give OR grant* OR confer* OR bestow* OR writ* OR endow* OR gift*)
- (parent* OR mother OR father OR relative OR family OR uncle OR aunt OR grandfather OR sister OR brother OR cousin OR partner*) w/10 ("endowed chair" OR "endowed fund")

- legac* w/10 (donat* OR donor* OR development OR advancement OR fundrais* OR endow*)
- (letter OR recommend*) w/10 (donor OR donat*)
- (letter OR recommend*) w/10 ((friend OR family) w/5 (institution OR university OR college))
- ([All names listed in Appendix 1 to Plaintiffs' First Set of RFPs to All Defendants] w/10 (donat* OR gift OR pledg*, promis* OR commit* OR beque* OR assign* OR contrib* OR give OR grant* OR confer* OR bestow* OR writ* OR endow* OR gift* OR donat* OR wealth* OR loaded OR money* OR "well*off" OR "well*to*do" OR well*heeled OR deep*pocket* OR prosper* OR mint* OR flush OR cash OR fat*cat OR "warbucks" OR "sugar daddy" OR affluen* OR heir* OR magnate OR tycoon OR baron* OR inherit* OR pennybags OR mcduck OR "rolling w/3 dough" OR estate OR bankroll* OR bank*roll OR check OR wire OR donor* OR billion* OR fatcat*))

3. Attached hereto as **Exhibit A** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Vanderbilt related to the subject matter of Plaintiffs' Motion to Compel ("Plaintiffs' Motion"), including Plaintiffs' August 8, 2023 request for FERPA notices and the admissions files of 18 specifically named applicants.

4. Attached hereto as **Exhibit B** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Georgetown related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 14, 2023 request for FERPA notices and the admissions files of 37 specifically named applicants.

5. Attached hereto as **Exhibit C** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Northwestern related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 14, 2023 request for FERPA notices and the admissions files of 24 specifically named applicants.

6. Attached hereto as **Exhibit D** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Dartmouth related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 15, 2023 request for FERPA notices and the

admissions files of nine specifically named applicants.

7. Attached hereto as **Exhibit E** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Penn related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 15, 2023 request for FERPA notices and the admissions files of 37 specifically named applicants.

8. Attached hereto as **Exhibit F** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Rice related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 15, 2023 request for FERPA notices and the admissions files of 12 specifically named applicants.

9. Attached hereto as **Exhibit G** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Cornell related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 18, 2023 request for the admissions files of 10 specifically named applicants.

10. Attached hereto as **Exhibit H** is a true and correct copy of email correspondence between Plaintiffs' counsel and counsel for Defendant Notre Dame related to the subject matter of Plaintiffs' Motion, including Plaintiffs' September 20, 2023 request for FERPA notices and the admissions files of 11 specifically named applicants.

11. Attached hereto as **Exhibit I** are true and correct excerpts of the Deposition Transcript of John McLaughlin dated July 12, 2023.

12. Attached hereto as **Exhibit J** are true and correct excerpts of the Deposition Transcript of Elaine Varas dated August 2, 2023.

13. Attached hereto as **Exhibit K** are true and correct excerpts of the February 8, 2023 Hearing Transcript.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 3rd day of October 2023, at New York, New York.

/s/ David Gringer

David Gringer